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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,519	10/17/2001	Antonio Abbondanzio	RPS920010145US1	7673

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EXAMINER	
TANG, KENNETH	

ART UNIT	PAPER NUMBER
2195	

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/981,519	ABBONDANZIO ET AL.	
	Examiner	Art Unit	
	Kenneth Tang	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 3/21/05.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-22 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This final action is in response to the Appeal Brief filed on 3/21/05. Prosecution has been reopened and the Applicant's arguments are moot in view of the new grounds of rejections.

2. Claims 1-22 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention:

a. In claim 1, "switching" (line 1, preamble) is indefinite because there is no relationship made with anything else in the claim regarding switching. No switching is occurring in the body of the claim.

b. Claim 8 is rejected for the same indefinite reasons as stated above in the rejection of claim 1.

c. In claim 15, it is not made explicitly clear in the claim language whether this is a system or a method claim. In line 1, a system claim is indicated, but in lines 11-22, the limitations start to resemble a method claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6 and 8- 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Dugan et al. (hereinafter Dugan) (US 6,363,411 B1).

5. As to claim 1, Dugan teaches a method for automatically switching remote shared devices in a dense server environment comprising the steps of:

receiving a request to access a shared device from a server blade (caller request, accepting inbound call) *(col. 66, lines 15-34 and 39-66)*; and

issuing a query as to whether said shared device is being accessed (querying for incoming calls) *(col. 66, lines 39-66)*;

wherein if said shared device is not being accessed by said server blade then the method further comprises the steps of:

receiving a response to said query indicating that said shared device is not available (queuing for incoming calls for any type of resource is not available, then a reject indication is sent back to the switch) *(col. 66, lines 23-25, 39-42)*; and

waiting to receive a response that said shared device is available (waits until call is accepted and notification is sent back to the switch) *(col. 66, lines 18-25 and 48-50)*.

6. As to claim 2, Dugan teaches determining if said shared device is being accessed *(Fig. 3, item 158, 88, 208, 172)*.

7. As to claim 3, Dugan teaches wherein if said shared device is not being accessed then the method further comprises the steps of: connecting said shared device with said server blade; and transferring said request to access said shared device to said shared device *(col. 67, lines 5-10 and 59-61, col. 68, lines 29-67)*.

8. As to claim 4, Dugan teaches wherein if said shared device is being accessed then the method further comprises the step of: determining if said shared device is being accessed by said server blade *(col. 66, liens 15-67, Fig. 3, items 88, 208, 158, 172)*.

9. As to claim 5, Dugan teaches wherein if said shared device is being accessed by said server blade then the method further comprises the steps of: connecting said shared device with said server blade *(Fig. 3, col. 66, lines 14-67)*; and transferring said request to access said shared device to said shared device *(col. 67, lines 5-10 and 59-61, col. 68, lines 29-67)*.

10. As to claim 6, Dugan teaches:

receiving said response that said shared device is available (waits until call is accepted and notification is sent back to the switch) *(col. 66, lines 18-25 and 48-50)*;

connecting said shared device with said server blade *(Fig. 3, col. 66, lines 14-67)*; and

transferring said request to access said shared device to said shared device *(col. 67, lines 5-10 and 59-61, col. 68, lines 29-67)*.

11. As to claims 8-14, they are rejected for the same reasons as stated in the rejections of claims 1-7.

12. As to claim 15, Dugan teaches a system, comprising:

one or more shared devices *(Fig. 3, items 220, 54, 222, etc)*; and

a plurality of server blades *(Adjunct processors 210, Fig. 3)* coupled to said one or more shared devices *(Fig. 3, items 220, 54, 222, etc)* via a service unit *(IDNA Node 204, Switching in 206)*, wherein said service unit is configured to establish a connection between one of said one or more shared devices *(Fig. 3, items 220, 54, 222, etc)* and one of said plurality of server blades *(Adjunct processors 210, Fig. 3)* requesting to access said one of said one or more shared devices *(through the IDNA Node 204, Switching in 206)*;

wherein said requesting server blade comprises:

a processor *(Adjunct processor 210, Fig. 3)*; and

a memory unit coupled to said processor, wherein said memory unit is operable for storing a program (memory located inside computer), wherein the program is operable for performing the following programming steps:

receiving a request (caller request, accepting inbound call) to access said requested shared device from said requesting server blade *(col. 66, lines 15-34 and 39-66)*; and

issuing a query to said service unit as to whether said requested shared device is being accessed (querying for incoming calls) *(col. 66, lines 39-66)*;

wherein if said requested shared device is not being accessed (refused) by said requesting server blade then the program is further operable for performing the following programming steps:

receiving a response to said query indicating that said requested shared device is not available (queuing for incoming calls for any type of resource is not available, then a reject indication is sent back to the switch) *(col. 66, lines 23-25, 39-42)*; and

waiting to receive a response that said requested shared device is available (waits until call is accepted and notification is sent back to the switch) *(col. 66, lines 18-25 and 48-50)*.

13. As to claim 16, Dugan teaches wherein said service unit comprises:

a processor *(Intelligent Call Procesor, Fig. 3, 172)*; and

a memory unit coupled to said processor, wherein said memory unit is operable for storing a computer program *(memory in the IDNA node computer 204)*, wherein the computer program is operable for performing the following programming step:

determining if said requested shared device is being accessed *(Fig. 3, item 158, 88, 208, 172)*.

14. As to claim 17, Dugan teaches wherein if said requested shared device is not being accessed then the computer program of said service unit is further operable for performing the following programming step:

connecting said requested shared device with said requesting server blade *(Fig. 3, col. 66, lines 14-67)*;

wherein if said requested shared device is not being accessed then the program of said requesting server blade is further operable for performing the following programming step:

transferring said request to access said requested shared device to said requested shared device *(col. 67, lines 5-10 and 59-61, col. 68, lines 29-67)*.

15. As to claims 18-19 they are rejected for the same reasons as stated in the rejections of claims 4-5.

16. As to claim 20, Dugan teaches wherein the program of said requesting server blade is further operable for performing the following programming step:

receiving said response that said requested shared devices is available (waits until call is accepted and notification is sent back to the switch) *(col. 66, lines 18-25 and 48-50)*.

17. As to claim 21, Dugan teaches wherein the computer program of said service unit is further operable for performing the following programming step:

connecting said requested shared device with said requesting server blade *(Fig. 3, col. 66, lines 14-67)*;

wherein the program of said requesting server blade is further operable for performing the following programming step: transferring said request to access said requested shared device to said requested shard device *(col. 67, lines 5-10 and 59-61, col. 68, lines 29-67)*.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

18. Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dugan et al. (hereinafter Dugan) (US 6,363,411 B1) in view of Chang et al. (hereinafter Chang) (US 2002/0122415 A1).

19. As to claims 7 and 22, Dugan is silent on the shared device being a Universal Serial Bus device. However, Chang teaches network communication system with a USB phone device *(page 1, [0004], [0006], [0014], [0018])*. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Chang and Dugan because having USB is a less cumbersome and convenient way to transfer data *(page 1, [0004])*.

Response to Arguments

20. Applicant's arguments have been fully considered but they are now moot in view of the new grounds of rejections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kt
12/23/05